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December 3, 2012

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW,
Washington, DC 20424

233447

Re: Environmental Report, Historic Report and Required Certifications for
Docket No. AB-303 (Sub No. 40X)
Wisconsin Central Ltd. — Notice of Exemption for Abandonment in Kaukauna,
Outagamie County, Wisconsin

Dear Ms. Brown:

Wisconsin Central Ltd ("WCL") intends to file a Notice of Exemption for the above-referenced proposed abandonment any time on or after February 4, 2013. Enclosed for the above-referenced Abandonment Exemption are the following documents, which are required by 49 C.F.R. Part 1105:

1. An original and ten copies of the Environmental/Historic Report,
2. An original and ten copies of the transmittal letter that accompanied the reports, and
3. An original and ten copies of a certificate demonstrating compliance with the requirements of 49 C.F.R. Part 1105

Feel free to call me if you have any questions.

Respectfully submitted,

Thomas J. Healey
Attorney for
Wisconsin Central Ltd

ENTERED
Office of Proceedings

DEC 04 2012

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Public Record



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December 3, 2012

Re: Wisconsin Central Ltd. Notice of Exemption for Abandonment – Kaukauna, Outagamie County, Wisconsin - Docket AB-303 (Sub-No. 40X)

To Whom It May Concern:

Any time on or after February 4, 2013, Wisconsin Central Ltd. ("WCL") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon a railroad line located between milepost 114.00 and milepost 112.90, a distance of 1.10 miles, in Kaukauna, Outagamie County, Wisconsin. Enclosed is an Environmental Report and a Historic Report describing the proposed action and any expected environmental and historical effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental and historical analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental and historic review process, please contact their Section of Environmental Analysis (SEA), at the Surface Transportation Board, 395 E Street, SW, Washington, D.C. 20423-0001, (202) 245-0245, and refer to the above docket number.

WCL will file the Environmental Report and Historic Report with the STB on or about December 3, 2012. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the STB (with a copy to the undersigned) would be appreciated within three weeks. Your comments will be considered by the STB in evaluating the environmental and historical impact of the contemplated action.

If there are any questions concerning this proposal, please contact the undersigned directly at (708) 332-4381 or by mail at the above address.

Sincerely,

Thomas J. Healey
Attorney for Wisconsin Central Ltd.

Encls.

Docket No AB-303 (Sub-No. 40X)

WISCONSIN CENTRAL LTD.

NOTICE OF EXEMPTION FOR ABANDONMENT IN KAUKAUNA,
OUTAGAMIE COUNTY, ILLINOIS

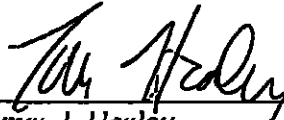
To Chief, Section of Administration
Surface Transportation Board (STB)
395 E Street, SW
Washington, DC 20424

CERTIFICATE OF COMPLIANCE WITH 49 C.F.R. PART 1105

I hereby certify that on December 3, 2012, copies of the Environmental Report and Historic Report for the above-captioned proceeding were served on the agencies listed at 49 C.F.R. § 1105.7(b), all agencies consulted in preparing the reports, and on the Wisconsin Historic Preservation Agency. A service list is attached and incorporated into this certificate as Attachment A. The reports have been sent within the time period specified, as Wisconsin Central Ltd intends to file its Notice of Exemption in the above-captioned matter no earlier than February 4, 2013. All appropriate agencies as listed in 49 C.F.R. § 1105.7(c) have been consulted well in advance of preparing the Environmental Report.

I also certify that a newspaper notice was published on September 17, 2012, in *The Post-Crescent*, a newspaper of general circulation in Outagamie County, Wisconsin. The notice alerted the public to the proposed abandonment, to possible reuse alternatives, and to procedures for participating in the STB proceeding. A copy of the notice is attached to this certificate as Attachment B.

Dated this 31st day of December, 2012



Thomas J. Healey
Attorney for Wisconsin Central, Ltd.

U.S. Army Corp of Engineers
St. Paul District (CEMVA-PA)
190 Fifth Street East
St. Paul, MN 55101-1638

U.S. Environmental Protection Agency
Office of Water
1200 Pennsylvania Ave , N W
Washington, DC 20460

Mr Kenneth A Westlake
Chief, NEPA Implementation Section
US EPA Region 5
77 West Jackson Blvd.
Chicago, IL 60604

National Park Service
Department of Interior
1849 C Street, N W
Washington, DC 20240

National Geodetic Survey Information Services
Simon Monroe <Simon.Monroe@noaa.gov>

Mr. David M Kennedy, Director
Office of Ocean and Coastal Resource Management
NOAA Ocean Service
1305 East-West Highway
Silver Springs, Maryland 20910

Mr Gregory Hines, RC&D Coordinator
National-Resource Conservation Service
3071 Voyager Drive, Suite E
Green Bay, WI 54311-8343

Ms Judith Schuette
County Board Chairperson
410 S. Walnut St.
Administration Bldg - 2nd level
Appleton, WI 54911

U S Fish & Wildlife Service
2800 Lake Shore Drive East Suite B
Ashland, WI 54806-2427

Wisconsin Department of Natural Resources
DNR Northeast Region HDQRS
2984 Shawano Ave.
Green Bay, WI 543313-6727

Wisconsin Department of Transportation
Hill Farms State Transportation Building
4802 Sheboygan Ave.
PO Box 7910
Madison, WI 53707-7910

Wisconsin Clearing House for Prevention Resources
1552 University Ave.
Madison, WI 53726-4085

Wisconsin Department of Administration
PO Box 7868
101 East Wilson Street, 6th Floor
Madison, WI 53707-7868

Wisconsin Department of Administration
Wisconsin Coastal Management Program
PO Box 8944
101 East Wilson Street
Madison, WI 53708-8944

Wisconsin Historical Society
Division of Historic Preservation
Office of Preservation Building
816 State Street
Madison, WI 53706

THE POST-CRESCENT

STATE OF WISCONSIN
OUTAGAMIE COUNTY

CN LAW DEPARTMENT
17641 S ASHLAND AVE
HOMEWOOD, IL 60430

Katelyn Fogle

Being duly sworn, doth depose and say that she is an authorized representative of the Appleton Post
Crescent, a newspaper published at Appleton, Wisconsin, and that an advertisement of which the
annexed is a true copy, taken from said paper, which was published therein on

Account Number

Ad Number: 6667491

Published Date: September 16, 2012

Total Ad Cost: \$53.16

(Signed)


Advertising Assistant

(Date)

9/17/12

Signed and sworn before me

Notary Public, Outagamie County, Wisconsin

My commission expires

3-27-16

WISCONSIN CENTRAL LTD. gives notice that on or after November 16, 2012, it intends to file with the Surface Transportation Board, Washington, DC 20423 a notice of exemption under 49 CFR 1152 Subpart F, Exempt Abandonments, permitting the abandonment of 1.10 miles of railroad line between milepost 112.80 and milepost 114.00 in Outagamie County, Kaukauna, Wisconsin, which line traverses through U.S. Postal Zip Code 54130. The proceeding will be docketed as A-303 (Sub No. 402).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the SEA, Surface Transportation Board, 395 F Street SW, Washington, DC 20423 or by calling that office at (202) 245-0245.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 395 F Street SW, Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trail use may be directed to the Commission's Office of Congressional and Public Services at (202) 245-0245. Copies of any comments or requests for conditions should be served on the applicant's representative. Thomas J. Husley (708) 332-4381 or 17641 S Ashland Avenue, Homewood, IL 60430. RUN September 16, 2012. WNAXLP

6

ATTACHMENT B

CN LAW DEPARTMENT
Re: Ad# 6667491

306 W. Washington St. • P.O. Box 59 • Appleton, Wisconsin 54912
(920) 733-4411 • (800) 236-6397 • Advertising Fax (920) 954-1945

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO AB-303 (SUB-NO 40X)

WISCONSIN CENTRAL LTD
-- ABANDONMENT EXEMPTION --
IN KAUKAUNA, OUTAGAMIE COUNTY, WISCONSIN

ENVIRONMENTAL/HISTORIC REPORT

Wisconsin Central Ltd. ("WCL") submits this Environmental/Historic Report in compliance with the reporting requirements of 49 C.F.R §§ 1105.7 and 1105.8. Supporting correspondence and certifications are attached. It is the conclusion of this Report that the proposed abandonment, if implemented, will not significantly affect either the quality of the human environment or the conservation of energy resources.

ENVIRONMENTAL REPORT - 49 C.F.R. § 1105.7(e)

1 Proposed Action and Alternatives. WCL seeks to abandon its line of railroad extending from milepost 114.00 to the end of track at milepost 112.9 in Kaukauna, Wisconsin (the "Line"). The Line is situated in Outagamie County, Wisconsin and extends a total distance of approximately 1.10 miles.

The Line has not been required to serve any customer in many years. The Line was previously used for general freight traffic. There have been no rail shipments of any kind on the Line in the last two years, and no reasonable possibility for the development of new rail traffic exists.

Following abandonment, WCL intends to salvage rail, ties and track materials from the Line. The railbed and subgrade of the Line will remain in place and not be disturbed.

A map showing the location of the Line is attached herein as **Appendix A**

WCL has contacted and requested comments from the Outagamie County Board. See attached correspondence attached herein as **Appendix B**. WCL has received no comments to date

2. Transportation System WCL does not anticipate that existing regional or local transportation systems or patterns will be affected by the proposed abandonment. No rail service is currently provided on the Line. Thus, no traffic will be diverted to other transportation systems or modes as a result of the proposed abandonment. There is no overhead traffic on the Line, and no passenger trains are operated over the Line.

WCL has contacted and requested comments from the State of Wisconsin, Department of Transportation. See correspondence attached herein as **Appendix C**. The DOT has made no comments to date.

3. Land Use.

(i) WCL does not foresee any inconsistency with regional and/or local land use plans, but has contacted and requested comments from the National Geodetic Survey. See correspondence attached herein as **Appendix D**. The NGS has made no comments to date

(ii) The proposed abandonment lies entirely within the city limits of Kaukauna, Outagamie County, Wisconsin. The Natural Resources Conservation Service has been contacted and comments requested. See correspondence attached herein as **Appendix E**. WCL has received no comments to date.

(iii) This track does not lie within a designated Coastal Zone Management Area and, accordingly, the proposed abandonment will not affect any land or water uses in such an area or result in any coastal impacts. WCL has contacted the Office of Water at the U S

Environmental Protection Agency and the NOAA Office of Ocean and Coastal Resource Management, to determine whether the proposed abandonment is consistent with applicable federal, state and local water quality standards. See correspondence attached hereto as **Appendix F and G respectively**. There have been no comments to date.

(iv) WCL is not aware of any alternative public use under 49 U.S.C. § 10905 for which the remainder of the right-of-way would be suitable.

4. Energy.

(i) The proposed abandonment will not have any effect on the transportation of energy resources. No energy resource commodities move on the Line, and WCL foresees little or no possibility that such on-line traffic would develop in the future.

(ii) The movement and/or recovery of recyclable commodities will not be adversely affected by this abandonment. No such traffic has been handled on this line within the last two years, and WCL foresees little or no possibility that any online recyclable commodity traffic would develop in the future.

(iii) Abandonment will not result in an increase or decrease in overall energy efficiency. There is no freight traffic the Line and thus there will be no changes in existing transportation patterns or energy usage as a result of the proposed abandonment.

(iv) Not applicable. Abandonment of the Line will not cause the diversion of more than 1,000 rail carloads per year or an average of 50 rail carloads per mile per year to motor carriers.

5. Auto.

(i) Not applicable. Abandonment will not result in (A) a minimum increase in rail traffic of 100% or eight trains per day on any segment of rail line, (B) an increase in rail

yard activity of at least 100%, or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles per day on any road segment

(ii) Not applicable. Abandonment of the Line will not result in traffic increases which exceed the thresholds specified in 49 C.F.R. § 1105.7(e)(5)(ii)(A), (B) or (C)

(iii) Not applicable. There is no traffic on the Line proposed to be abandoned, thus no shipments of ozone-depleting materials will be diverted as a result of this abandonment

6. Noise. Not applicable. As indicated above, none of the thresholds identified in 49 C.F.R. § 1105.7(e)(5)(i) will be exceeded as a result of the abandonment

7. Safety.

(i) The proposed action will have no adverse effect upon public health or safety. During any salvage operations on the track, precautions will be taken to ensure public safety

(ii) Not applicable. To WCL's knowledge, no hazardous commodities were ever handled on this Line. Accordingly, the proposed abandonment will have no effect on the transportation of hazardous materials.

(iii) To the best of WCL's knowledge, there are no known hazardous waste sites or any hazardous waste materials involved. Therefore, WCL believes that its abandonment will not have any adverse impact on this site.

8. Biological Resources.

(i) The U.S. Fish and Wildlife Service have been contacted and we have requested comments. WCL has received no comments to date. Salvage operations will be handled using existing access routes. WCL thus does not believe that any critical habitat will be

destroyed, altered or affected as a result of the proposed abandonment, or that any endangered or threatened species are present in the area or would be adversely affected. See Appendix II.

(ii) The Line does not pass through or adjacent to any wildlife sanctuaries or refuges or any national or state parks or forests and, accordingly, none will be adversely affected. WCL has contacted and requested comments from the National Park Service. See correspondence attached herein as Appendix I. There has been no response to date.

(iii) WCL contacted and requested comments from Wisconsin Department of Natural Resources. See correspondence attached as Appendix J. WDNR supplied comments in a letter dated October 8, 2012. See correspondence attached as Appendix J-1. While WDNR requests certain actions if the right-of-way is converted to a trail, the environmental impacts (if any) of subsequent trail conversion or other post-abandonment use are not subject to analysis in this abandonment proceeding under the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321-4343. See, e.g., Iowa Southern R. Co. -- Exemption -- Abandonment, 5 I.C.C.2d 496 (1989), aff'd sub nom Goos v. ICC, 911 F.2d 1283 (8th Cir. 1990).

Elsewhere in its comments, WDNR appears to propose that WCL be required to maintain or remove bridges and culverts on the Line. There are no such structures on the Line. In any event, "[t]he Board does not typically require the removal of railroad bridges or other structures when a line is approved for abandonment. . . . [I]t would not be appropriate or consistent with Board precedent for SEA to recommend a condition regarding bridge removal or responsibility for maintenance." Central Oregon & Pacific Railroad, Inc. -- Abandonment and Discontinuance of Service -- In Coos, Douglas and Lane Counties, OR, Docket No. AB-515 (Sub-No. 2) (STB EA served August 15, 2008) at 10. Similarly, WDNR's apparent request that portions of the right-of-way should be "re-graded" or "restored to original grade" does not seek

to address any environmental impact of the proposed abandonment, but rather existing conditions that will be unaltered by abandonment and the salvage of track materials. See Wisconsin Cential Ltd. -- Abandonment Exemption -- In Manitowoc County, WI, Docket No AB-303 (Sub-No 39X) (STB EA served June 19, 2012) at 2 (noting in the context of similar WDNR comments that "The board will generally not require mitigation for existing conditions along the rail line or future maintenance of the right-of-way."). WCL thus opposes these elements of WDNR's comments to the extent they seek specific conditions on the proposed abandonment

WCL does not object to WDNR's request that WCL utilize an appropriate erosion control plan during salvage and refrain from placing materials in wetland areas.

9. Water Any water quality effects of the proposed abandonment should be minimal. The Line does not pass over any waterways. WCL does not intend to alter the contour of the roadbed underlying this line in connection with the proposed abandonment. WCL likewise does not anticipate discharge of any materials into navigable waters that would require permits under Sections 402 and 404 of the Clean Water Act.

(i) WCL has contacted the US Environmental Protection Agency to determine whether the proposed abandonment is consistent with applicable federal, state and local water and air quality standards. See correspondence attached herein as **Appendix K**. There have been no comments to date

(ii) WCL also requested comments from the Army Corps of Engineers. See correspondence attached herein as **Appendix L**. There have been no comments to date

10. Proposed Mitigation. As no adverse impact is anticipated, WCL does not propose any mitigation activities

HISTORIC REPORT - 49 C.F.R. § 1105.8(d)

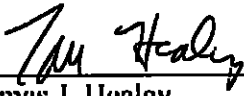
1. Map A map of the Line is attached hereto as **Appendix A**.
2. Description of Line WCL seeks to abandon its line of railroad extending from milepost 114.00 to the end of track at milepost 112.9 in Kaukauna, Wisconsin (the "Line"). The Line is situated in Outagamie County, Wisconsin and extends a total distance of approximately 110 miles.
3. Photographs. There are no photographs of this line since there are no structures or bridges.
4. Information on Structures. There are no buildings, structures, or bridges within the proposed Line abandonment.
5. History of Operations The Line was constructed in 1871-1874 by The Appleton and New London Railway Company, a predecessor of the Milwaukee, Lake Shore and Western Railway Company ("MLS&W"), as part of a route between Manitowoc and Appleton, Wisconsin. Chicago & North Western Railway Company ("CNW") acquired MSL&W in 1893. The Line and surrounding CNW trackage was acquired in 1988 by Fox River Valley Railroad Corporation, and in 1993 by Fox Valley & Western Ltd. ("FVW"), a WCL affiliate. FVW was merged into WCL in 2002. The portion of rail line beyond the current end of track at milepost 112.9 was abandoned in 2010. Wisconsin Central Ltd. -- Abandonment Exemption -- In Outagamie County, WI, Docket No. AB-303 (Sub-No. 35X) (STB served December 15, 2009). The Line has not been required to serve any customer in many years. The Line was previously used for general freight traffic.
6. Engineering Documents. If such documents exist, WCL will disclose any documents, or drawings that might be useful in preparation for this abandonment.

7 Historic Criteria There are no structures or bridges located along the Line. WCL believes that no culturally significant locations, archaeological sites or unique landforms will be affected by the abandonment. WCL has contacted and given notice of the proposed abandonment to the Wisconsin Historical Society. See correspondence attached as **Appendix M**. The Office has agreed that no historic properties are affected. See correspondence attached as **Appendix M-1**.

8 Ground Disturbances. WCL is unaware of any possibility that archaeological resources may be in the area. The abandonment activities should have no impact as WCL simply intends on removing the rail and ties and leaving the right-of-way intact for possible trail-conversion purposes. Access to the line is generally good.

Dated. December 3, 2012

Respectfully submitted,



Thomas J. Healey
Attorney for the Wisconsin Central Ltd
17641 South Ashland Avenue
Homewood, IL 60430-1345
Telephone. 708-332-4381
Fax: 708-332-4361



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tom.healey@cn.ca

August 27, 2012

Ms. Judith Schuette
County Board Chairperson
410 S Walnut St.
Administration Bldg - 2nd level
Appleton, WI 54911

Re Docket: AB-303 (Sub-No 40X), Proposed abandonment in Outagamie County,
Kaukauna, Wisconsin

Dear Ms. Schuette.


Wisconsin Central Ltd. ("WCL") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 1.10 miles of railroad line starting at MP 112.9 and ending at MP 114.0 in Outagamie County, Kaukauna, Wisconsin. For your convenience, we have attached a map for your reference. WCL is advising you of the proposed action so you may assist us in identifying any potential effects of the proposed action on, among other things, the following.

1. Water quality,
2. Designated wetlands;
3. 100-year-old flood plains;
4. Endangered or threatened species;
5. Critical habitats,
6. Wildlife sanctuaries or refuges,
7. National or state parks or forests,
8. Coastal zone management;
9. Soil and natural resource conservation,
10. Agricultural land;
11. Regional and/or local use plans, and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.

Because of the nature of the proposed action, we foresee no adverse effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We would appreciate a written response as soon as possible so that we may include it in the environmental report, which we will file with the STB. We intend on filing the Environmental Report in four weeks.

Thank you for your assistance.

Very truly yours,


Thomas J. Healey
Counsel for Wisconsin Central Ltd

Encl



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Homewood, IL 60430-1338
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August 27, 2012

Wisconsin Department of Transportation
Hill Farms State Transportation Building
4802 Sheboygan Ave.
PO Box 7910
Madison, WI 53707-7910

Re: Docket: AB-303 (Sub-No 40X), Proposed abandonment in Outagamie County,
Kaukauna, Wisconsin

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Counsel for Wisconsin Central Ltd.

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August 27, 2012

National Geodetic Survey Information Services
Simon Monroe <Simon.Monroe@noaa.gov>

Re. Docket AB-303 (Sub-No 40X), Proposed abandonment in Outagamie County,
Kaukauna, Wisconsin

Dear Mr. Monroe:

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August 27, 2012

Mr. Gregory Hines, RC&D Coordinator
National Resource Conservation Service
3071 Voyager Drive, Suite E
Green Bay, WI 54311-8343

Re: Docket AB-303 (Sub-No 40X), Proposed abandonment in Outagamie County,
Kaukauna, Wisconsin

Dear Mr. Hines.


Wisconsin Central Ltd. ("WCL") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 1.10 miles of railroad line starting at MP 112.9 and ending at MP 114.0 in Outagamie County, Kaukauna, Wisconsin. For your convenience, we have attached a map for your reference. WCL is advising you of the proposed action so you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

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August 27, 2012

U.S. Environmental Protection Agency
Office of Water
1200 Pennsylvania Ave., N.W
Washington, DC 20460

Re Docket AB-303 (Sub-No 40X), Proposed abandonment in Outagamie County,
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Counsel for Wisconsin Central Ltd

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Thomas J. Healey
Counsel - Regulatory
17641 S. Ashland Avenue
Homewood, IL 60430-1339
T - 708-332-4381
F - 708-332-4361
tom.healey@cn.ca

August 27, 2012

Wisconsin Department of Administration
Wisconsin Coastal Management Program
PO Box 8944
101 East Wilson Street
Madison, WI 53708-8944

Re: Docket AB-303 (Sub-No. 40X), Proposed abandonment in Outagamie County,
Kaukauna, Wisconsin

Dear Sir or Madam

Wisconsin Central Ltd. ("WCL") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 1.10 miles of railroad line starting at MP 112.9 and ending at MP 114.0 in Outagamie County, Kaukauna, Wisconsin. For your convenience, we have attached a map for your reference. WCL is advising you of the proposed action so you may assist us in identifying any potential effects of the proposed action on, among other things, the following.

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Thank you for your assistance.

Very truly yours,

Thomas J. Healey
Counsel for Wisconsin Central Ltd.

Encl



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August 27, 2012

U S. Fish & Wildlife Service
2800 Lake Shore Drive East Suite B
Ashland, WI 54806-2427

Re: Docket. AB-303 (Sub-No. 40X), Proposed abandonment in Outagamie County,
Kaukauna, Wisconsin

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tom.healey@cn.ca

August 27, 2012

National Park Service
Department of Interior
1849 C Street, N.W.
Washington, DC 20240

Re: Docket AB-303 (Sub-No 40X), Proposed abandonment in Outagamie County,
Kaukauna, Wisconsin

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Very truly yours,


Thomas J. Healey
Counsel for Wisconsin Central Ltd.

Encl



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F - 708-332-4361
tom.healey@cn.ca

August 27, 2012

Wisconsin Department of Natural Resources
DNR Northeast Region HDQRS
2984 Shawano Ave.
Green Bay, WI 54331-6727

Re: Docket: AB-303 (Sub-No. 40X), Proposed abandonment in Outagamie County,
Kaukauna, Wisconsin

Dear Sir or Madam:

Wisconsin Central Ltd. ("WCL") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 1.10 miles of railroad line starting at MP 112.9 and ending at MP 114.0 in Outagamie County, Kaukauna, Wisconsin. For your convenience, we have attached a map for your reference. WCL is advising you of the proposed action so you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

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Thank you for your assistance

Very truly yours,

Thomas J. Healey
Counsel for Wisconsin Central Ltd

Encl.

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
2984 Shawano Avenue
Green Bay WI 54313-6727

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-938-7463
TTY Access via relay - 711



October 8, 2012

DNR File# 13343

Mr Thomas Healey
CN Law Department
17641 S. Ashland Avenue
Homewood, IL 60430-1339

SUBJECT: Wisconsin Central Ltd. – Railway Abandonment
Docket No AB-303 (Sub-No 40X)
Milepost 112.9 to Milepost 114.0
Town of Kaukauna
Outagamie County

Dear Mr Healy

Thank you for the information regarding the proposed abandonment of the Wisconsin Central Ltd rail line from Milepost 112.9 to Milepost 114.0, in the city of Kaukauna, Outagamie County. Department staff has reviewed the proposal and offer comments on the potential impacts of the action on the following areas of concern:

1. WATER QUALITY

This section of railway corridor runs along the south side of the Fox River, and is in fairly close proximity to the river. No construction is proposed in the Fox River, but runoff during construction is a concern. Please ensure that no sediment or construction debris reach the Fox River during this project. Proper erosion control measures must be used and maintained during and after any track, tie, bridge, or culvert removal. An erosion control plan should be developed and made part of the project plans and specifications. All areas of disturbed soil should be restored to original grade and re-seeded as soon as possible. Native species should be used where appropriate.

2 DESIGNATED WETLANDS

The wetlands associated with this section of railway corridor are adjacent to the south shore of the Fox River, and tend to stay fairly tight to the shoreline. The removal of track and ties should not affect any wetlands as they currently exist, provided the abandonment work is kept to the top of the ballast in wetland areas. Do not store or stockpile materials in wetland areas (i.e. shoreline of Fox River), and any materials incidentally falling into wetlands or waterways should be removed immediately. In general, there appears to be enough buffer zone between this section of railway corridor (MP 112.9 to MP 114) and wetland areas, therefore wetlands will not likely be an issue; however, your best efforts should be made to avoid wetland impacts, and the DNR request information on any unavoidable wetland impacts. Any work in wetlands may require local, state and/or Corps of Engineers permits.

APPENDIX J-1

25

3 100 YEAR FLOODPLAINS

The abandonment itself should have no impact on the 100-year floodplain if no additional fill is placed in the floodplain as a result of the abandonment. If the right-of-way is to be used for transportation or trail purposes, the existing bridges and culverts may remain in place if maintained. However, if this is not the case, all structures must be removed completely and the embankments re-graded and permanently stabilized.

4 ENDANGERED OR THREATENED SPECIES / CRITICAL HABITATS

If the disturbance caused by the track and tie removal is limited to the ballast area only, there should be no adverse impacts to any special-concern species found along the route. However, railroad right-of-ways (ROW) are often found to have rare plants and remnants of prairies occurring along the undisturbed corridor. Prior to ROW conversion to trails or other uses, surveys should be conducted to determine if native grassland savanna, prairie or wet meadow remnants occur along the corridor. If these habitat types are present then rare and endangered species may occur. Additional surveys of these habitat types should be conducted to determine whether rare or endangered species occur. If these species are present, then the remnants should be mapped and the rare species noted. Prior to implementing any actions associated with rail abandonment that may disrupt the ROW or any other development of the area, including staging of equipment, ties and rails, a plan should be developed to avoid or minimize impacts to the remnant habitats and the associated species. If rare species cannot be avoided in the project's impact area, then an incidental take consultation may be conducted to determine if take of the species is allowable.

Any prairie habitat disturbed as a result of the project activities should be reseeded with DNR certified native prairie seed. Every effort should be made to ensure that invasive exotic species are not introduced to the site.

5 WILDLIFE SANCTUARIES OR REFUGES

Railway corridors often provide valuable habitat for native plant and animal species. The Fox River corridor also provides refuge and feeding grounds for various wildlife species. Disturbance due to track and tie removal should be kept to the minimum amount required to do the work, and restored as soon as conditions permit.

6. NATIONAL OR STATE PARKS OR FORESTS

There are no National or State Parks or Forests along the project route.

7 COASTAL ZONE MANAGEMENT

Concerns regarding consistency with Coastal Zone Management would be more appropriately addressed by the Coastal Zone Management Program (608-267-7982) at the Wisconsin Department of Administration, 101 East Wilson Street, Madison, WI 53707.

8. SOIL AND NATURAL RESOURCE CONSERVATION

If the only work done is removal of the ties track, the project should have minimal impact on natural resources along the route. As mentioned previously, proper erosion control measures must be used and maintained during and after the salvage operation, and wetland impacts are to be avoided.

9. REGIONAL AND/OR LOCAL LAND USE PLANS

There is an interest with this section of railroad for conversion to a trail by the State of Wisconsin through the DNR's Rails to Trails Program. Gary Hanson, DNR Trail Coordinator, can be reached at 920/662-5123 for additional information

10 SECTION 402 OR 404 PERMITS

You should contact the Ann Nye at the U S. Army Corps of Engineers office in Green Bay, WI at 920/448-2824 for further information regarding the need for these permits

11. WASTE AND DEMOLITION DISPOSAL

All demolition and waste material that cannot be recycled must be disposed of in an appropriate manner. Disposal in wetlands or surface waters is not permitted. A plan should be developed describing the method and location of all waste and demolition material disposal.

If you have any questions, please feel free to contact me at 920/662-5472, or email at matthew.schaeve@wisconsin.gov

Sincerely,



Matthew Schaeve
Environmental Analysis and Review Specialist
Northeast Region

Cc. Ann Nye – U S Army Corps of Engineers, Green Bay
Email cc Gary Hanson – DNR, Green Bay
Tim Mella – DNR, Green Bay
Rebecca Bott – CN Law Department, Paralegal
File 13343



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Law

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F - 708-332-4361
tom.healey@cn.ca

August 27, 2012

Mr. Kenneth A. Westlake
Chief, NEPA Implementation Section
US EPA Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Re: Docket: AB-303 (Sub-No. 40X), Proposed abandonment in Outagamie County,
Kaukauna, Wisconsin

Dear Mr. Westlake:

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Thank you for your assistance.

Very truly yours,

Thomas J. Healey
Counsel for Wisconsin Central Ltd.

Encl.



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F - 708-332-4361
tom.healey@cn.ca

August 27, 2012

U S Army Corp of Engineers
St. Paul District (CEMSPA-PA)
190 Fifth Street East
St. Paul, MN 55101-1638

Re: Docket: AB-303 (Sub-No 40X), Proposed abandonment in Outagamie County,
Kaukauna, Wisconsin

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Thank you for your assistance.

Very truly yours,

Thomas J. Healey
Counsel for Wisconsin Central Ltd

Encl

REQUEST FOR SHPO COMMENT AND CONSULTATION ON A FEDERAL UNDERTAKING

Submit one copy with each undertaking for which our comment is requested. Please print or type.
Return to:

Wisconsin Historical Society, Division of Historic Preservation, Office of Preservation Planning, 816 State Street, Madison, WI 53706

Please Check All Boxes and Include All of the Following Information, as Applicable.

I. GENERAL INFORMATION

- ☒ This is a new submittal.
☐ This is supplemental information relating to Case #: _____, and title: _____
☐ This project is being undertaken pursuant to the terms and conditions of a programmatic or other interagency agreement. The title of the agreement is _____
- a. Federal Agency Jurisdiction (Agency providing funds, assistance, license, permit). Surface Transportation Board, 395 E Street, SW, Washington, DC 20423.
- b. Federal Agency Contact Person Cynthia Brown, Chief Section of Administration Phone 202-245-0245
- c. Project Contact Person: Thomas Healey; Phone: 708-332-4381
- d. Return Address: Wisconsin Central Ltd., c/o CN, 17641 S. Ashland Ave., Homewood, Illinois 60430
- e. Email Address: tom.healey@cn.ca
- f. Project Name: Wisconsin Central, Ltd. Proposed Abandonment in Outagamie County, Kaukauna, WI, AB-303 (Sub-No. 40X).
- g. Project Street Address N/A - Rail Line Abandonment - Outagamie County, Kaukauna, Wisconsin.
- h. County: Outagamie City: Kaukauna, Zip Code: 54130
- i. Project Location. Township _____, Range _____, E/W (circle one), Section _____, Quarter Sections _____
- j. Project Narrative Description — Wisconsin Central, Ltd. ("WCL") plans to file a Notice of Exemption for an abandonment with the STB for approval to abandon 1.10 miles of railroad line starting at milepost 112.9 and ending at milepost 114.0. After the STB's final decision, WCL intends to salvage rail, ties and track materials from the line.
- k. Area of Potential Effect (APE) Attach Copy of U.S G S 7 5 Minute Topographic Quadrangle showing APE. — See Attached Exhibit A

II. IDENTIFICATION OF HISTORIC PROPERTIES

- ☐ Historic Properties are located within the project APE per 36 CFR 800.4. Attach supporting materials
- X Historic Properties are not located within the project APE per 36 CFR 800.4. Attach supporting materials
- There are no buildings, structures, or bridges located along this portion of the rail line.
Therefore, no historic properties will be affected with this abandonment.

III. FINDINGS

- X No historic properties will be affected (i.e., none is present or there are historic properties present but the project will have no effect upon them). Attach necessary documentation, as described at 36 CFR 800.11.
- ☐ The proposed undertaking will have no adverse effect on one or more historic properties located within the project APE under 36 CFR 800.5. Attach necessary documentation, as described at 36 CFR 800.11.
- ☐ The proposed undertaking will result in an adverse effect to one or more historic properties and the applicant, or other federally authorized representative, will consult with the SHPO and other consulting parties to resolve the adverse effect per 36 CFR 800.6. Attach supporting documentation as described at 36 CFR 800.11 with a proposed plan to resolve adverse effect(s).

Authorized Signature Tom Healey Date, 8/27/12

Type or print name Tom Healey

IV. STATE HISTORIC PRESERVATION OFFICE COMMENTS

- ☐ Agree with the finding in section III above.
- ☐ Object to the finding for reasons indicated in attached letter
- ☐ Cannot review until information is sent as follows _____

Authorized Signature. _____ Date. _____

HP-05-07 (8/15/03)

12-0896/04
For SHPO Use Only, Case # _____

PP 1/2

REQUEST FOR SHPO COMMENT AND CONSULTATION ON A FEDERAL UNDERTAKING

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Wisconsin Historical Society, Division of Historic Preservation, Office of Preservation Planning, 816 State Street, Madison, WI 53706

RECEIVED
AUG 30 2012

Please Check All Boxes and Include All of the Following Information, as Applicable.

DIV HIST PRES

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☐ This is supplemental information relating to Case #: _____, and title: _____

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b Federal Agency Contact Person Cynthia Brown, Chief Section of Administration Phone 202-245-0245

c. Project Contact Person. Thomas Healey; Phone: 708-332-4381

d. Return Address. Wisconsin Central Ltd., c/o CN, 17641 S. Ashland Ave., Homewood, Illinois 60430

e. Email Address tom.healey@cn.ca

f Project Name: Wisconsin Central, Ltd. Proposed Abandonment in Outagamie County, Kaukauna, WI, AB-303 (Sub-No. 40X).

g. Project Street Address: N/A - Rail Line Abandonment - Outagamie County, Kaukauna, Wisconsin.

h. County Outagamie City Kaukauna, Zip Code: 54130

i Project Location: Township _____, Range _____, E/W (circle one), Section _____, Quarter Sections _____

j Project Narrative Description — Wisconsin Central, Ltd. ("WCL") plans to file a Notice of Exemption for an abandonment with the STB for approval to abandon 1.10 miles of railroad line starting at milepost 112.9 and ending at milepost 114.0. After the STB's final decision, WCL intends to salvage rail, ties and track materials from the line.

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RECEIVED

AUG 30 2012

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Authorized Signature: Tom Healey Date: 8/27/12

Type or print name. Tom Healey

IV. STATE HISTORIC PRESERVATION OFFICE COMMENTS

12-0896/00
pg 2/2

- ☒ Agree with the finding in section III above
- ☐ Object to the finding for reasons indicated in attached letter
- ☐ Cannot review until information is sent as follows _____

Authorized Signature: Sherman Bailey Date: 9/10/12
HP-05-07 (8/15/03)